## REMARKS

Claims 11, 12 and 15-30 have been newly rejected, but the rejections are still based on combinations of Hickey (4,974,633), Olsen (WO 02/064422A1) and Wobben (U.S. 6,729,846). Claim 22 is amended herein to correct a spacing error between words. Entry of the amendment does not introduce any new issue.

In the prior response, Applicants requested reconsideration of the earlier rejections in view of the recent amendment to the independent claims 11 and 22. Now, the Examiner has briefly responded to the amended claims and new claim 25 by stating, essentially, that the Examiner cannot conclude that the claimed shapes of the recesses are not in the prior art. It is apparently the Examiner's position that, in the absence of applicant *finding* or *demonstrating* differences between the claimed subject matter and the prior art, "that the prior art is capable of performing limitations and thus reads on the claims." See page 2 of the office action.

The applicants understand the Examiner's response to mean that the Examiner cannot find the claimed subject matter in the prior art, but will still reject the claims unless applicants prove that the claimed recitation is not the same as that which is in the prior art. The applicants are not responsible for proving the negative. Only the Examiner is responsible for searching and applying the prior art – to the extent that a legitimate rejection can be sustained. In this case the prior art is deficient, but the Examiner apparently still wants to sustain the rejection without a valid basis for doing so.

Furthermore, the rejection incorrectly characterizes the prior art as not describing any shapes for recesses. The Examiner is requested to view figures 4 – 6 of the Olsen reference.

Independent claim 11 fully distinguishes over the combination of Hickey in view of Olsen because the recited plurality of recesses each have a shape in accord with the shape of a hemisphere, i.e., while the shapes of the recesses are not limited to that of a hemisphere, the shapes have contours consistent with the curvature of hemispheres. This is inconsistent with the shapes disclosed in the Olson reference. As the air sweeps past a recess according to clam 11, alternating flow eddies form in the recess that assist with continued laminar flow of the air, while also reducing flow resistance along the surface relative to flow in the absence of the recesses. The prior art does not disclose recesses of shape in accord with a hemisphere. By way of

example, the Hickey reference expressly discloses details of a concave indentation (figure 4) that includes a protruding central deviation 46 and protruding deviation sets 48a - 48e. See col. 2, lines 46-54. These features are inconsistent with applicant's teaching of recesses having the curvature of hemispheres. Further, only the applicant teaches flow eddies formed in the recess as air sweeps past the recess. And only the applicant teaches to improve flow arranged on the rotor blades approximately in the region between the transition point between laminar and turbulent flow. For all of these reasons claim 11 defines non-obvious subject matter.

Independent claim 22 is allowable for similar reasons presented for claim 11. By way of example, one or more eddy flows form in the recess that assist the passage of the air at reduced resistance relative to conditions in the absence of the recesses. Further, a pattern of alternating flow eddies develop over the surface, extending from one recess to a next recess in the array as a function of airflow speed.

The final rejection does not specifically address claim 25 which defines flow eddies formed in the recesses that assist with the passage of air flow at reduced resistance relative to flow in the absence of such recesses. The recited plurality of recesses each have a shape in accord with at least a sector of a hemisphere, and each recess is positioned the same distance from all adjacent recesses. The recesses are configured as an array such that, as the air sweeps past the recesses, flow eddies form in the recesses that assist with the passage of air flow at reduced resistance relative to flow in the absence of such recesses

Other patentably distinct features are presented in the dependent claims. Argument regarding these distinctions is already of record.

Conclusion

In view of the amendment and the noted distinctions, the Examiner is respectfully requested to withdraw all rejections. For the above reasons it is submitted that the application is now in condition for allowance.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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